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(Rev. 12/04)

# UNITED STATES DISTRICT COURT

for

Western District of Wisconsin

U.S.A. vs. Isaiah Phillips Docket No. 22-cr-112-jdp-3

## Petition for Action on Conditions of Pretrial Release

COMES NOW Michael W. Sutor, pretrial services/probation officer, presenting an official report upon the conduct of defendant Isaiah Phillips, who was placed under pretrial release supervision by the Honorable Stephen L. Crocker, sitting in the court at Madison, Wisconsin on the 2<sup>nd</sup> date of November, 2022 under the following conditions:

**Condition No. 9:** This court has a zero-tolerance policy for drug use by criminal defendants released on conditions. Violation of any condition of release or of any other direction or instruction given by Pretrial Services relating to drugs or drug use shall result in return to court for a hearing on the modification or revocation of conditions of release.

**Condition No. 18:** Defendant shall not use, possess, buy, or sell any illicit or narcotic drugs or any other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner with the knowledge or Pretrial Services. Defendant shall not use methadone or obtain a prescription for methadone.

### RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On November 2, 2022, the defendant was placed on conditions of pretrial release which included that he refrains from using drugs. On the same date, he was referred to ATTIC Correctional Services (ATTIC) for ongoing drug testing and to complete a substance abuse evaluation in accordance with Your Honor's imposed special conditions numbers 19 and 20. The defendant is to contact ATTIC daily to inquire if he has been selected for a random drug test. If selected, he must report to the drug testing facility on the same date to provide a urine sample for testing.

On December 28, 2022, a violation report was submitted to the court reporting that the defendant has been using marijuana as evidenced by three positive drug tests, all of which were positive for THC. Also stated in the violation report was that the defendant was participating in substance abuse treatment and that he was scheduled to commence mental health treatment within the near future. No action was taken by the Court.

On January 20, 2023, a second violation report was submitted to the court reporting that the defendant has continued to use marijuana as evidenced by four more positive drug tests, all of which were positive for THC. It was also reported that the defendant has continued to attend substance abuse treatment, completed a mental health evaluation, would be starting mental health treatment soon, and would be referred to complete a psychiatric evaluation. No action was taken by the Court.

On March 1, 2023, a third violation report was submitted to the court reporting that the defendant has continued to use marijuana as evidenced by four more positive drug tests, all of which were positive for THC. This resulted in a combined plea and judicial review hearing being held on March 14, 2023. At the conclusion of the hearing, the defendant's pretrial release was continued because he was scheduled to complete a psychiatric evaluation within the near future. He was also verbally admonished for his marijuana use.

Since his judicial review hearing on March 14, 2023, the defendant has continued to use marijuana despite the interventions imposed by Pretrial Services. The defendant has had five more positive drug tests, all of which were positive for THC. He tested positive for THC on March 7, 2023; March 20, 2023; March 27, 2023; April 4, 2023; and April 11, 2023. All these tests were confirmed positive by the laboratory.

On April 11, 2023, the defendant completed a psychiatric evaluation with Rock Valley Community Programs (RVCP). He was diagnosed with generalized anxiety disorder and was prescribed a monthly prescription of bupropion HCL. He has a follow up appointment scheduled for May 9, 2023, where he will continue to be prescribed medication and will continue to be assessed for other diagnoses including bipolar disorder. In addition to his newly prescribed medication, the defendant is currently attending substance abuse treatment through ATTIC twice a month and mental health treatment through WPF2 three times a month.

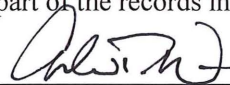
Since being placed on pretrial release supervision, the defendant has not stopped using marijuana as evidenced by 16 positive drug tests for THC. He has been involved in substance abuse treatment since November of 2022 and mental health treatment since January of 2023. Throughout his time on supervision, the defendant, his family, and his counselors in both substance abuse treatment and mental health treatment have reported and believed that having the defendant prescribed medication to assist with his treatment would be his best chance of obtaining sobriety and addressing possible underlying mental health issues associated with his illicit drug use. Due to the nature of having a psychiatric evaluation conducted and the limited availability of treatment providers, he was not able to have the evaluation completed until April 11, 2023. The defendant is now receiving medication and will continue to be assessed monthly for medication management.

Because the defendant has not been receiving medication until recently, detention or revocation of his pretrial release is not recommended at this time. His treatment plan will continue to be monitored. He will continue to provide random drug tests and encouraged to continue to engage in substance abuse treatment, mental health treatment, and medication monitoring. If the defendant continues to use marijuana or fails to engage in treatment, the court will be promptly notified.

PRAYING THAT THE COURT WILL ORDER no action be taken at this time.

ORDER OF COURT

Considered and ordered this 21<sup>ST</sup> day of April, 20 23 and ordered filed and made a part of the records in the above case.

  
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U.S. District Judge/Magistrate Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 20, 2023

/s/ Michael W. Sutor  
U.S. Pretrial Services/Probation Officer

Place Madison, Wisconsin